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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/881,133  | 06/14/2001  | Nicholas T. Hariton  | 152853-0009         | 8097             |
| 7590  | 08/10/2005  |                      | EXAMINER            |                  |
| IRELL & MANELLA LLP<br>Suite 900<br>1800 Avenue of the Stars<br>Los Angeles, CA 90067 |             |                      | KE, PENG            |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2174                |                  |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                      |  |
|------------------------------|------------------------|----------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>  |  |
|                              | 09/881,133             | HARITON, NICHOLAS T. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>      |  |
|                              | Peng Ke                | 2174                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,6,8,38,43,45,53,71,74,76,84,87-89 and 95-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6,8,38,43,45,53,71,74,76,84,87-89 and 95-101 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 5/11/05.

Claims 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 84, 87-89 and 95-101 are pending in this application. Claims 1, 38, 71, 84, and 95 are independent claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 84, 87-89 and 95, 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Plantz et al., U.S. Patent No. 6,088,702 further in view of Tanenbaum U.S Patent No. 5,245,533.

As per claim 1, Plantz et al. (“Plantz”) teaches a method for preparing a presentation, comprising:

connecting a plurality of geographically dispersed contributors to a controller through a network to collaborate to prepare the presentation (see Plantz, column 4, lines 64 – column 5, lines 4);

allowing the contributors to propose contributions to the presentation, the proposed contributions residing on storage devices under the control of the contributors (see Plantz, column 7, lines 52 – 55; it is inherent that the proposed contributions reside on the contributor storage devices because they are uploaded from the user’s computer to the GPS);

However Plantz fails to teach making the proposed contributions available for concurrent viewing, editing and comment by the contributors; and

Managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation.

Tanenbaum teaches making the proposed contributions available for concurrent viewing, editing and comment by the contributors; (see Tanenbaum column 2, lines 25-column 3, lines 14) and

Managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz to provide users with the ability to synchronize their work in real-time.

Claims 2-5 are cancelled.

As per claim 6, which is dependent on claim 1, Plantz and Tanenbaum teaches the method of claim 1 (see rejection above). Tanenbaum further teaches managing the preparation of the presentation further comprises: making instruction from the contributors preparing the presentation visible to the controller over the network. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Claim 7 is cancelled.

As per claim 8, which is dependent on claim 1, Plantz and Tanenbaum teaches the method of claim 1 (see rejection above). Tanenbaum further teaches managing the preparation of the

presentation by including one or more of the proposed contributions selected by the controller further comprises:

Including a path for retrieving a selected contribution through the network during a display of the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Claims 9-37 are cancelled.

With respect to claim 38, it is similar in scope to claim 1 (see rejection above) with an additional claimed controller terminal for connecting through a network to a plurality of geographically dispersed contributor terminals to allow contributors to collaborate to prepare the presentation and a controller storage device connected to the controller terminal for storing the presentation and one or more of the selected contributions.

Plantz teaches controller terminal for connecting through a network to a plurality of geographically dispersed contributor terminals to allow contributors to collaborate to prepare the presentation (see Plantz, column 4, lines 64 – 4; it is inherent that all users, including the controller are connected through terminals), and

the method of claim 1 and further teaches a controller storage device connected to the controller terminal for storing the presentation and one or more of the selected contributions (see Plantz, column 6, lines 47 – 53).

However Plantz fails to teach making the proposed contributions available for concurrent viewing, editing and comment by the contributors; and

Managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation.

Tanenbaum teaches making the proposed contributions available for concurrent viewing,

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editing and comment by the contributors; (see Tanenbaum column 2, lines 25-column 3, lines 14) and

Managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz to provide users with the ability to synchronize their work in real-time.

Claims 39-42 and 44 are cancelled.

As per claims 43, and 45 they are of similar scope to claims 6 and 8 respectively and are rejected under the same rationale respectively (see rejections above), including the additional subject matter in claim 38 (see rejection above).

Claims 46-52 are cancelled.

As per claim 53, Plantz and Tanenbaum teach the claim 38. Tanenbaum further teaches the controller terminal comprises:

A controller terminal operable to retrieve a selected contribution form the respective storage device during display of the prepared presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Claims 54-70 are cancelled.

With respect to claim 71, it is similar in scope to claim 1. (see rejection above)

Claims 72 and 73 are cancelled.

As per claim 75, Plantz and Tanenbaum teach the claim 74. Tanenbaum further teaches

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wherein concurrently connecting the contributors to the controller to provide instructions to the controller comprises:

Connecting the contributors to the controller to concurrently provide instruction to the controller to prepare a presentation script identifying he selected contributions to be included in the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

As per claims 74 and 76 they are of similar scope to claims 6 ,8 respectively and are rejected under the same rationale respectively (see rejections above), including the additional subject matter in claim 71 (see rejection above).

Claims 77-83 are cancelled.

With respect to claim 84, it is similar in scope to claim 38. (see rejection above)

Claims 85 and 86 are cancelled.

As per claims 87 – 89 they are of similar scope to claims 74-76 respectively and are rejected under the same rationale. Supra.

Claims 90-94 are cancelled.

As per claim 95, Plantz teaches a method for preparing a script for a presentation, comprising:

Connecting a plurality of geographically dispersed potential contributors to a control operator through a network to create a virtual scripting office for the joint preparation in real time of a script for a presentation by the control operator and the potential contributors. (see Plantz, column 4, lines 64 – column 5, lines 4);

Streaming elements of the script from the control operator to the contributors together with software tools for modifying the script; (see Plantz, column 7, lines 52 – 55)

However Plantz fails to teach accepting modifications to the script proposed by more than one of the contributors at the same time as temporary script elements; and

Incorporating one or more of the proposed modification into the script under the control of the control operator.

Tanenbaum teaches accepting modifications to the script proposed by more than one of the contributors at the same time as temporary script elements; (see Tanenbaum column 2, lines 25-column 3, lines 14) and

Incorporating one or more of the proposed modification into the script under the control of the control operator. (see Tanenbaum column 2, lines 25-column 3, lines 14)

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz to provide users with the ability to synchronize their work in real-time.

As per claim 97, Plantz and Tanenbaum teaches claim 95, Plantz further teaches incorporating one or more URL address in the script for retrieval of one or more script element during the presentation. (see Plantz column 7, lines 13-27)

A per claim 98, Plantz and Tanenbaum teaches claims 95, Plantz further teaches simultaneously displaying te proposed modifications to the control operators. (see Plantz, column 10, lines 62-column 1, lines 42)

As per claim 99, Plantz and Tanenbaum teaches claim 95, Plantz further teaches simultaneously display the proposed modification to the contributors. (see Plantz, column 11 ,lines 56-column 12, 3)

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Claims 96, 100 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Plantz et al., U.S. Patent No. 6,088,702 in view of Tanenbaum U.S Patent No. 5,245,533 further in view of Ludwig et al. U.S. Patent No. 5,617,539.

As per claim 96, Plantz and Tanenbaum teach the claim 94. However they fail to teach streaming live video images of the contributors to the control operator in real time during the joint preparation of the script.

Ludwig et al. teaches streaming live video images in real time. (see Ludwig; column 2, lines 64-column 14)

It would have been obvious to an artisan at the time of the invention to include Ludwig's teaching with method of Plantz and Tanenbaum to create a multimedia collaboration between users.

As per claim 100, Palntz, Tanenbaum, and Ludwig teach claim 96, Ludwig further teaches streaming live video images of the contributor to the control operator in real time during the joint preparation of the script. (see Ludwig; column 2, lines 64-column 14)

As per claim 101, Paantz, Tanenbaum, and Ludwig teach claim 101, , Ludwig further teaches streaming live video images of the contributor to the control operator in real time during the joint preparation of the script. (see Ludwig; column 2, lines 64-column 14)

#### ***Response to Argument***

Applicant's arguments with respect to claims 1, 6, 8, 38, 43, 45, 53, 71, 74, 76, 84, 87-89 and 95-101 have been considered but are deemed to be moot in view of the new grounds of rejection.

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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